

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:15-cr-00174-KJD-BNW  
2:18-cr-00023-KJD-BNW

**Plaintiff,**

V.

JONES, et al.,

Defendant.

## **ORDER**

Presently before the Court is Defendant’s Motion to Vacate, Set Aside, or Correct Sentence under § 2255 (#467) and Motion for Leave to File Unredacted Motion (#468).<sup>1</sup> Defendant has recently informed the Court that a briefing schedule has not yet been established in this case. Given that the § 2255 petitioner has pursued and lost a direct appeal, the Court assumes that the underlying conviction is valid. United States v. Frady, 456 U.S. 152, 164 (1982); (see #460, at 1) (dismissing appeal). For that reason, the Government need not respond to the petition until ordered to do so. Rule 4(b) of the Rules Governing § 2255 Proceedings requires the Court to promptly review each § 2255 petition. If the Court cannot summarily dismiss the petition, it must order the Government to respond. For petitions under § 2255, LSR 3-4 stipulates that the Court “will set the schedule for motions, an answer, a reply, and other proceedings in each case, in a scheduling order developed for the individual case.” After reviewing the petition, the Court now finds that a response is required.

Accordingly, **IT IS ORDERED** that the Government shall respond to Jones's petition (#468) within thirty days of the entry of this Order. Jones may reply to the Government's response within twenty-one days of its entry.

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<sup>1</sup> Defendant has an accompanying case—2:18-cr-00023-KJD-BNW—where he has also filed a Motion to Vacate, Set Aside, or Correct Sentence under § 2255 (#136) and Motion for Leave to File Unredacted Motion (#137). This Order applies to both cases.

1 Furthermore, **IT IS ORDERED** that the Government shall respond to Jones's Motion for  
2 Leave to File Unredacted Motion (#467) within fourteen days of the entry of this Order. Jones  
3 may reply to the Government's response within seven days of its entry.

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5 Dated this 28<sup>th</sup> day of August 2024.

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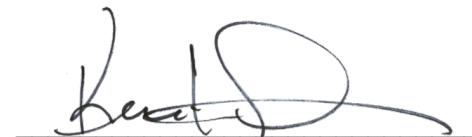
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Kent J. Dawson  
United States District Judge